HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL Nos.476 and 477 of 2000

08-08-2005

Between:

W.A.No.476 of 2000

P.N.Kumar, S/o Mallikarjuna Rao,

Aged about 33 years, R/o H.No.5-362,

Seetharamarajunagar, Kurnool road,

Ongole, Prakasam dist.

.. Appellant

and

The Chairman and Managing Director,

APSRTC, Musheerabad, Hyderabad and others

.. Respondents

W.A.No.477 of 2000

K.S.V.Prasad and others

..Appellants

And

The Chairman and Managing Director,

APSRTC, Musheerabad, Hyderabad and another

.. Respondents

HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL Nos.476 and 477 of 2000

COMMON JUDGMENT: (Per Hon'ble Smt. Justice T.Meena Kumari)

These appeals are filed by petitioners in W.P.Nos.211 and 534 of 1999 questioning the common order dated 16-03-2000 passed by learned single Judge to the effect of giving direction to the second respondent to issue notice to the writ petitioners, give them an opportunity and take a decision in the matter and till then, they be continued in the services as Junior Assistants.

The facts necessary for disposal of this appeal may be stated as follows: The appellants were selected as in-service candidates to the posts of Junior Assistants pursuant to the notification issued by respondents - APSRTC. However, the Corporation stated in the counter-affidavit that their appointments were cancelled on the ground that selection committee awarded two marks to those candidates who have passed typewriting higher grade instead of one mark thereby violating the guidelines issued in Circular dated 16-05-1997. After considering the rival contentions, learned single Judge directed the Corporation to issue notice to appellants and then take a decision in the matter.

Heard learned counsel for the appellants and learned standing counsel for the respondent – Corporation.

Learned counsel for the appellants contended that the appellants have been selected in the regular process and two marks have been added as they possess the qualification of typewriting higher grade and there are no other candidates available and the appellants have secured marks and only one mark more has been added to fill up the posts and the same cannot be a ground for reversion of the appellants to the post of conductors. On the other hand, learned standing counsel for the Corporation submits that the appellants are not entitled to continue as Junior Assistants as their appointment is contrary to the Circulars issued under the Regulations of the Corporation.

It is not disputed that the appellants have been selected for the posts of Junior Assistants and that the appellants have been selected after securing the marks and adding of two marks when the Circular prescribed adding of one mark. That apart, adding of just one more mark for selection is purely technical in nature. Apart from this, in view of the interim orders granted by this Court, the appellants are still continuing as Junior Assistants without any complaint for last seven years. We have also gone through the orders passed by the respondent Corporation dated 31-12-1998. It is not the case that there is violation of any of the Regulations of the Corporation and the work of appellants in the present post is unsatisfactory. Further, the order of reversion has been issued without issuing any notice that too without reasons. Hence, the impugned orders in the writ petition are liable to be set aside and they are accordingly set aside. The appellants are entitled to be continued in the services as Junior Assistants with all benefits including seniority etc.

For the foregoing reasons, we allow the writ petition as prayed for and consequently appeal stands allowed.

SMT. T.MEENA KUMARI, J.

P.LAKSHMANA REDDY, J.

08-08-2005

bsc